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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,254	08/08/2001	Suhas G. Niyogi	US 18016	2801

7590

09/09/2002

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EXAMINER

MULLIS, JEFFREY C

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 09/09/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

AS-4

Office Action Summary	Application No.		Applicant(s)	
	09/924,254		NIYOGI, SUHAS G.	
	Examiner		Art Unit	
	Jeffrey C. Mullis		1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "polymerized monomer" as appears in at least claims 1 and 11 lacks antecedent basis within claims 1 and 11 in that the term "polymerized monomer" appears only once in these claims. If applicant intends that the polymerized monomer is some other monomer not referred to as polymerized monomer *ipsis verbis*, then there are a number of materials recited by the claims inherently containing monomers which are polymerized and it is not clear which polymerized monomers applicants intend.

The term "ratio" is unclear in the claims since it is not stated whether the ratio is a weight ratio or mole ratio or volume ratio etc.

The term "broad" is subjective and therefore unclear.

It is not clear what applicant's percentages are based upon since the instant claims do not recite this information.

Therefore applicant's percentages are unclear since percentages could be based upon the materials explicitly recited or upon the composition including materials not necessarily explicitly recited etc.

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The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-7 and 10-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindner et al. (USP 4,767,821).

Lindner et al. disclose a composition containing tetrafluoroethylene polymer and a thermoplastic graft copolymer which may include EPDM grafted by methyl methacrylate. Note the Abstract and column 2 lines 9-55 in this regard.

There are no specific examples in which EPDM is grafted by methyl methacrylate. However choice of EPDM and methyl methacrylate would have been obvious to a practitioner having ordinary skill in the art at the time of the invention in the expectation of adequate results since such lies within the broad ambit of the reference and absent any showing of surprising or unexpected results.

Claims 1, 2 and 4-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Genz et al. (USP 4,945,130).

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Genz et al. disclose a composition containing a component "C" which is a fluorinated polyolefin and a component "D" which is an elastomeric graft copolymer. Note column 1 lines 37-43 in this regard. The component "D" may include EPDM as "graft bases" at column 9 lines 14-17 and graft monomers which may include methyl methacrylate at column 9 lines 21-25. Note that the graft polymer D is prepared by radical graft copolymerization of the graft monomers in the presence of the graft bases at column 9 lines 31-41. Glass fibers are disclosed as additives at column 10 line 52.

There are no specific examples in which propylene containing polymers are grafted with methyl methacrylate although patentees specifically discloses that graft bases such as ethylene propylene polymers may be grafted with monomers such as methyl methacrylate. Therefore it would have been obvious to a practitioner having ordinary skill in the art at the time of the invention to graft ethylene propylene containing polymers with methyl methacrylate in the expectation of adequate results absent any showing of surprising or unexpected results.

Any inquiry concerning this communication should be directed to Jeffrey Mullis at telephone number (703) 308-2820.

J. Mullis:cdc

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September 6, 2002

Jeffrey Mullis
Primary Examiner
Art Unit 1711

A handwritten signature in black ink, consisting of several loops and a long vertical stroke, positioned below the printed name and title.